

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

OSTAP KAPELIOUJNYI,

Plaintiff,

v.

CIV 09-0866 LH/GBW

L. VAUGHN, as Warden and in his individual capacity, B. JUDD, as Assistant Warden “Acting Chaplain” and in her individual capacity, CORRECTIONS CORPORATION OF AMERICA, CCA,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

The Magistrate Judge filed his Proposed Findings and Recommended Disposition on November 18, 2010. *Doc. 26.* The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. *See id.* at 20; *see also Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). To date, neither party has filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 26*) is **ADOPTED** and the following is **ORDERED**:

- (1) Defendants *Martinez* Report (*Doc. 17*) is construed as a Motion for Summary Judgment and it is granted in part and denied in part;
- (2) Summary Judgment is granted in favor of Defendants for all claims except for Plaintiff's Religious Freedom Restoration Act (“RFRA”) claims seeking nominal and

punitive damages and injunctive relief; and

(3) All of Plaintiff's claims except for his RFRA claims are dismissed with prejudice.



SENIOR UNITED STATES DISTRICT JUDGE